

ORIGINAL

Supreme Court, U.S.
FILED
JUN 3 1994
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Jose Morales, #B-33187
Mule Creek State Prison
P.O. Box 409000; CG-156L
Ione, CA 95640
May 30, 1994

RECEIVED

JUN - 3 1994

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Mr. William K. Suter, Clerk
Supreme Court of the U.S.
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

DEAR Mr. Sutter:

Re: Docket No. 93-1462 /

This will acknowledge receipt of your letter dated May 10, 1994 of which was received by the undersigned on May 28, 1994.

You are requesting that I respond to the California Attorney General's Petition for Writ of Certiorari where no Certiorari has been granted. I consider this to be rather unusual. The government is never asked to respond when prisoners file Certiorari petitions in propria persona before this court. Your request is rather strange to say the least.

In any event, I'm an uneducated convicted felon and an indigent who has never practiced law before the United States Supreme Court. I would not know how to file an informal response to the California Attorney General's petition for writ of certiorari.

Enclosed please find an Ex Parte Motion for Appointment of Counsel to research, brief, submit and argue the merits of the California State Attorney's Petition for Writ of Certiorari before the Supreme Court of the United States.

My understanding of the U.S. Supreme Court procedures is that you either grant or deny certiorari to the petitioning litigant. I'm not familiar or aware of any secret or informal responses to be submitted outside a direct court order, ordering that a certiorari be granted, attorneys appointed and briefs be submitted.

Whatever scheming is going on with you and Deputy Attorney General James Ching should be brought out in the open and made public. Rule 33 of the Federal Rules of Civil Procedures makes reference to "Interrogatories to Parties." Why should I submit or respond to the government's interrogatory request. That is, especially since I was coerced to plead guilty to a case with false and fabricated fingerprint evidence.? Had I known that I was being deceived into accepting a guilty plea because the prosecution knew that he was setting me up with false fingerprints from a hand that did not belong to the victim in the 1980 case, I would not have accepted to plead guilty to the crime of murder in the second degree. James Ching and his Los Angeles District Attorneys and police responsible for fabricating false fingerprint evidence against me, all need to be arrested and prosecuted by the U.S. Justice Department.

Respectfully Submitted

Jose Morales
JOSE MORALES, #B-33187

cc: James Ching, DAG

8 PM

Jose Ramon Morales , #B-33187
Mule Creek State Prison
P.O. Box 409000; CG-156L
Ione, CA 95640

In Propria Persona

SUPREME COURT OF THE UNITED STATES

WASHINGTON, DISTRICT OF COLUMBIA

JOSE RAMON MORALES ,)

CASE NO: 93-1462

Plaintiff ,)

EX PARTE MOTION FOR
APPOINTMENT OF COUNSEL

-vs-

CALIF. DEPARTMENT OF CORRECTIONS)

Defendant .)

TO: THE HONORABLE COURT IN THE ABOVE CAUSE OF ACTION:

NOW COMES, JOSE RAMON MORALES , defendant in the
above cause of action who moves this court for an Ex Parte Order for
Appointment of Counsel to represent defendant's interest in the above
bona fide legal action and for which defendant has no other means to
gain meaningful access to the courts due to incarcerated status of
indigent defendant herein.

This motion is based on this Ex Parte Motion, on the att-
ached declaration, on the memorandum of points and authorities herein,
on the papers and records filed in this matter and on such other
evidence presented to the court in support of this motion.

DATED: MAY 30, 1994

RESPECTFULLY SUBMITTED:

Jose Ramon Morales
JOSE RAMON MORALES

DECLARATION OF

JOSE MORALES

1. That I am the defendant in the within bona fide legal
cause of action, am a poor indigent incarcerated prisoner, and have
at risk threatened personal and/or property rights as a result of
the within cause of action;

2. That declarant is a layperson, untrained in law, and
as a result of poor, indigent, and incarcerated status is barred
from access to the courts to protect personal and/or property rights
as guaranteed by due process and equal protection clauses of both
the state and federal constitutions;

3. That declarant is forced to represent self in defense
of the within suit, is without funds to employ counsel, and has no
legal training, experience, access to legal materials and/or access
to the courts necessary to adequately and reasonably protect declar-
ant's present and future personal and/or property rights;

4. That declarant is being harrassed by plaintiff herein
in as much as declarant is indigent and incarcerated, unable to
retain an attorney, and that without adequate representation and
meaningful access to the courts declarant is likely to suffer adverse
judgement and therefrom a significant issue of liability would arise
impacting declarant's personal and/or property rights both present
and in the future;

5. That declarant has been incarcerated since July
22, 1982 and will remain incarcerated through
approximately FOREVER, 19____;

6. That as a right guaranteed by the due process and
equal protection clauses of the state and federal constitutions
declarant has a right to the appointment of legal counsel in the

1 within cause of action based upon: (a) declarant is confronted with
2 a bona fide legal action threatening personal and/or property inter-
3 est, (b) declarant is indigent and in prison, (c) declarant plans
4 to defend from the action herein, and (d) adverse judgement would
5 affect declarant's present and/or future property rights;

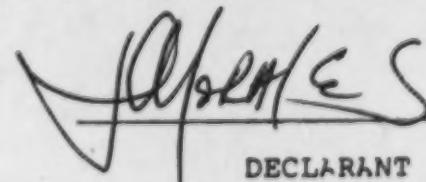
6 7. That declarant is entitled to the appointment of coun-
7 sel and declarant does declare that such appointed counsel should
8 be awarded legal fees in accordance with standards within the com-
9 munity for similar cases;

10 8. That attorney fees should be ordered by this court to
11 be paid pursuant to, but not limited to, (a) Business and Professions
12 Code, Section 6210, (b) Government Code, Section 27706, and/or (c)
13 legal duty and obligation of law enforcement/correctional agency
14 to provide for the constitutionally mandated needs of wards remanded
15 to custody;

16 9. That without relief requested herein that declarant
17 will continue to suffer deprivations of constitutional and/or other
18 legal rights as stated above.

19 VERIFICATION

20 I have read the above statements and do declare upon
21 penalty of perjury that these statements are true and correct as
22 based upon information and belief. Executed this 30th day of
23 MAY, 1974 at MULT CREEK PRISON
24 California pursuant to Code of Civil Procedure, Sections 446 and
25 2015.5.

26 
27 DECLARANT
28

1 POINTS AND AUTHORITIES

2 I

3 INDIGENT PRISONER WHO FACES BONA FIDE LEGAL ACTION
4 THREATENING INTEREST IS ENTITLED TO ACCESS TO COURTS
5 AS GUARANTEED BY DUE PROCESS AND EQUAL PROTECTION
6 CLAUSES OF THE CONSTITUTIONS OF CALIFORNIA AND THE
7 UNITED STATES. Yarbrough v. Superior Court, (1985)
8 39 C.3d 197; Payne v. Superior Court, (1976) 17 C.3d
9 908.

10 It is uncontrovertible that defendant herein is inprisoned, is indigent without funds to employ counsel, and faces a
11 bona fide legal action threatening personal and/or property interest
12 by virtue of having to defend from this suit. Further, defendant
13 is acting Pro Per in own defense without adequate training or ex-
14 perience, is without adequate access to legal materials, and is
15 without meaningful and/or viable access to the courts. Woods v.
16 Superior Court, (1974) 36 CA3d 811, Yarbrough v. Superior Court,
17 (supra) 39 c.3d 197.

18 II

19 INDIGENT PRISONER WHO IS UNTRAINED AND/OR INEXPERIENCED
20 IN CIVIL LAW SHOULD BE APPOINTED COUNSEL. Payne v.
21 Superior Court, (supra) 17 c.3d 908.

22 In light of this bona fide legal action threatening defend-
23 ant's personal and/or property rights, the court must appoint legal
24 counsel in the instant case. Yarbrough v Superior Court, (supra)
25 39 C.3d 197, 204.

26 Before denial of defendant's motion this court must at
27 minimum hold a hearing and/or make factual determination using
28 guidelines set down by the California Supreme Court in Payne.
Payne v. Superior Court, (supra) 17 c.3d 908, 924; Yarbrough v.
Superior Court, (supra) 39 c.3d 197, 203-204, 207.

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III

THE DECISIONS OF THE SUPREME COURT AND COURT OF APPEAL ARE BINDING AND MUST BE ACCEPTED BY THE TRIAL COURTS. Woods v. Superior Court, (supra) 36 CA 3d 811, 814; Auto Equity Sales, Inc. v. Superior Court, () 57 C.2d 450, 455.

The rule of stare decisis is a rule of jurisdiction.

Auto Equity Sales, Inc. v. Superior Court, (supra), citing Abelleria v. District Court of Appeal, () 17 C.2d 280, 288.

IV

ATTORNEYS FEES SHOULD BE ORDERED PAID BY THIS COURT. 6th, 13th, and 14th Amendments to the United States Constitution.

It stands to reason that if defendant is entitled to court appointed counsel, that such counsel is entitled to adequate and reasonable compensation equal to that afforded others in the community for similar services. 13th and 14th Amendments to United States constitution; Yarbrough v. Superior Court, (supra) 39 C.3d 197, desent at 207 and continuing be Chief Justice Bird.

This court should order funds be provided from appropriate sources including, but not limited to, provisions pursuant to Business and Professions Code, Section 6210; Government Code, Section 27706; from the law enforcement/correctional agency of custody which is legal mandated to provided for constitutionally required needs of defendant just as food, clothing, shelter, medical and other needs must be provided for. Defendant's legal needs are simply an extension of other constitutionally protected rights which serves both the needs of the individual and society at large. Indeed, for the state to allow personal and/or property rights to be violated, which in this case could have far reaching impact on defendant's future earning and family ties, would transgress the

constitution. Under circumstances as presented herein surely the state should afford defendant the protection afforded in criminal proceedings leading to incarceration or the in prison repair of an ingrown hangnail, contact visitation, mail censorship, or religious practice.

V

LEGAL PAPERS SUBMITTED BY INDIGENT PRO PER PRISONER UNTRAINED IN LAW MUST BE HELD TO LESS STRIGENT STANDARDS THEN THOSE DRAFTED BY MEMBERS OF THE BAR AND MUST BE VIEWED IN LIGHT MOST FAVORABLE TO PRO PER. Haines v. Kerner, (1972) 404 U.S. 519; 92 s. Ct. 594.

CONCLUSION

Defendant to this suit is an indigent prisoner who is untrained in law and being denied meaningful access to the courts. Defendant has a constitutional right to meaningful access to the courts and to appointment of legal counsel to protect personal and/or property rights which are threatened by this bona fide legal action. Defendant further enjoys the right to have legal counsel compensated by whatever means ordered by this court.

PRAYER

WHEREFORE, Good Cause having been shown, this court should grant the motion as follows:

1. declare defendant's rights as to issues raised herein;
2. order appointment of counsel to defend defendant in the above cause of action;
3. order the payment of counsel appointed herein a sum customary for such a case within the community to be paid from a source determined by the court;
4. in the alternative, hold hearing(s) and/or otherwise

1 make findings of fact as to issues pertaining to appointment and
2 compensation of counsel to defend defendant in this suit;

3 5. order that all records pertaining to this motion be
4 sealed subject to inspection only upon order of this court after a
5 showing of good cause;

6 6. order such other and further relief as is just, pro-
7 per and equitable.

8 DATED: _____

RESPECTFULLY SUBMITTE:

DEFENDANT
IN PRO PER

1995 NASCAR Winston Cup Auto Racing Schedule

First Half

Date Event

Feb. 19 Daytona 500
Feb. 26 Goodwrench 500
Mar. 5 Pontiac Excitement 400
Mar. 12 Purolator 500
Mar. 26 Transouth Financial 400
Apr. 2 Food City 500
Apr. 9 First Union 400
Apr. 23 Hanes 500
Apr. 30 Winston Select 500
May 7 Save Mart Supermarkets 300
May 20 The Winston Select
May 28 Coca-Cola 600
Jun. 4 Dover 500
Jun. 11 UAW-GM Teamwork 500
Jun. 18 Miller Genuine Draft 400
Jul. 1 Pepsi 400

Location

Daytona Beach, FL
Rockingham, NC
Richmond, VA
Atlanta, GA
Darlington, SC
Bristol, TN
N. Wilkesboro, NC
Martinsville, VA
Talladega, AL
Sonoma, CA
Charlotte, NC
Charlotte, NC
Dover, DE
Pocono, PA
Brooklyn, MI
Daytona Beach, FL

Track Length

2.5 mi.
1.017 mi.
.75 mi.
1.572 mi.
1.366 mi.
.533 mi.
.625 mi.
.526 mi.
2.66 mi.
2.52 mi.
1.5 mi.
1.5 mi.
1 mi.
2.5 mi.
2 mi.
2.5 mi.

Distance

500 mi.
500 mi.
400 laps
500 mi.
400 mi.
500 laps
400 laps
500 laps
500 mi.
300 km.
70 laps
600 mi.
500 mi.
500 mi.
400 mi.
400 mi.

TV Coverage

CBS
TNN
TBS
ABC
ESPN
ESPN
ESPN
ESPN
ESPN
ESPN
TNN
TBS
TNN
TNN
CBS
ESPN

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satellite TV retailer.

Goodman

1993 NASCAR Winston Cup Auto Racing Schedule



Second Half
Date Event

Location	Track Length	Distance	TV Coverage
Loudon, NH	1.058 mi.	300 laps	TNN
Pocono, PA	2.5 mi.	500 mi.	TBS
Talladega, AL	2.66 mi.	500 mi.	CBS
Indianapolis, IN	2.5 mi.	400 mi.	ABC
Watkins Glen, NY	2.45 mi.	90 laps	ESPN
Brooklyn, MI	2 mi.	400 mi.	ESPN
Bristol, TN	533 mi.	500 laps	ESPN
Darlington, SC	3.66 mi.	500 mi.	ESPN
Richmond, VA	75 mi.	400 laps	TBS
Dover, DE	1 mi.	500 mi.	TNN
Martinsville, VA	526 mi.	500 laps	ESPN
N. Wilkesboro, NC	625 mi.	400 laps	ESPN
Charlotte, NC	1.5 mi.	500 mi.	TBS
Rockingham, NC	1.017 mi.	400 mi.	TNN
Phoenix, AZ	1 mi.	500 km.	TNN
Atlanta, GA	522 mi.	500 mi.	ESPN

Date	Event
Jul. 9	Slick 50 300
Jul. 16	Miller Genuine Draft 500
Jul. 23	Diehard 500
Aug. 5	Brickyard 400
Aug. 13	The Bud at the Glen
Aug. 20	GM Goodwrench Dealer 400
Aug. 26	Goody's 500
Sept. 3	Mountain Dew Southern 500
Sept. 9	Miller Genuine Draft 400
Sept. 17	Dover Downs 500
Sept. 24	Goody's 500
Oct. 1	Tyson Holly Farms 400
Oct. 8	UAW-GM 500
Oct. 22	AC-Delco 400
Oct. 29	Slick 50 500
Nov. 12	NAPA 500

Where to Watch

Satellite TV Networks: ABC (S4, 8 & 18, F1, 2, G4, 10), CBS (F1, 6, S4, 4 & 12, G4, 14), ESPN (G5, 9), TBS (G5, 6) and TNN (G5, 18). Wild feeds for races may be found on G7, T1, G3, G2 and Ku-band satellites. For race broadcast times, see *Satellite*. *ORBIT's* NASCAR auto racing listings every month in the Sports section (yellow pages).

THE SOURCE YOUR

When it comes to satellite TV, HBO Direct is the source you need. And everything it's the source for premium channels. Max and Cinemax Service our packages. So each in, you get five channels three of Cinemax. It's the source for satellite packages like SuperPak Plus, Direct Build-A-Pak. It's the source for programming options today's most popular. The Disney Channel. SportsChannel. Or Warner Entertainment Com

Photo: John S. Parsons Sports, Photo: Steve Z. Richard Daw, Dunning